



## CMS 2014 Certified Electronic Health Record Technology (CEHRT) Flexibility Rule

### CMS 2014 CEHRT Flexibility Rule Overview:

CMS published the CMS 2014 CEHRT Flexibility Final Rule on August 29, 2014. The Flexibility Rule is effective October 1, 2014. The Rule grants flexibility to providers participating in the Medicare and Medicaid EHR Incentive Programs in 2014 and who are unable to *fully implement* a 2014 Edition CEHRT for an Electronic Health Record (EHR) reporting period in 2014 due to delays in 2014 Edition CEHRT availability. The delay in 2014 Edition CEHRT availability must be attributable to issues related to software development, certification, implementation, testing, or release of the product by the EHR vendor, which resulted in the inability for a provider to fully implement 2014 Edition CEHRT. It is important to note that the schedule of participation for a provider in the EHR Incentive Program for 2015 and subsequent years is not altered under this rule.

#### The Flexibility Rule:

- Allows providers to meet meaningful use (MU) with EHRs certified to the 2011 or the 2014 Edition criteria, or a combination of both Editions, for an EHR Reporting Period in 2014
- Requires providers to report using 2014 Edition CEHRT for an EHR Reporting Period in 2015
- Extends Stage 2 through 2016
- Requires providers in their first year of participation and attesting to Adopt, Implement or Upgrade (AIU) to use 2014 Edition CEHRT
- Does not allow for objectives and clinical quality measures (CQMs) to be mixed and matched from different years (e.g., 2013 and 2014 definitions)
- CQMs cannot be separated from MU objectives and measures, but providers can use the updated electronic specifications of the CQMs.

The Rule defines that a provider's inability to *fully implement* a 2014 Edition CEHRT must be based on:

- Software development delays
- Missing or delayed software updates
- Being able to implement 2014 CEHRT for part of the reporting period (not the full reporting period)
- Unable to train staff, test the updates system, or put new workflows in place due to delay with installation of 2014 CEHRT
- Cannot meet Stage 2 Summary of Care measures due to the recipient of their Summary of Care transmittal being impacted by 2014 CEHRT issues. The sending provider may experience significant difficulty meeting the 10% threshold for electronic transmissions, despite the referring provider's ability to send the electronic document, if the intermediary or the recipient of the transition or referral is experiencing delays in the ability to fully implement 2014 Edition CEHRT.

The Rule specifically states that the following are **NOT acceptable reasons** for NOT being able to *fully implement*:

- Financial issues
- Inability to meet one or more measures
- Staff turnover and change
- Provider waited too long to engage a vendor
- Refusal to purchase the requisite software
- Providers who fully implemented 2014 Edition CEHRT and can report in 2014

